

MEMO ENDORSED**WILMERHALE**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/27/2015

David W. Ogden

+1 202 663 6440 (t)
+1 202 663 6363 (f)
david.ogden@wilmerhale.com

February 27, 2015

By ECF

Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

Re: *Adkins et al. v. Morgan Stanley et al.*, No. 1:12-cv-7667 (VEC) (GWG)

Your Honor:

Pursuant to this Court's Individual Practices in Civil Cases, ¶ 1.C, Defendants respectfully request that the class certification hearing set for Wednesday, March 11, 2015, be adjourned to a date in April 2015. This is the first request for an adjournment of the hearing date. Defendants make this request due to conflicting commitments of lead counsel David Ogden and Noah Levine on the currently scheduled March 11 date and in the weeks thereafter. Specifically:

- Mr. Ogden and Mr. Levine both have longstanding previous commitments on the date of March 11. Mr. Levine has an oral argument in California state court on that day and Mr. Ogden has a speaking commitment.
- Mr. Ogden will be unavailable from Friday, March 13, through Saturday, March 21, to conduct a week-long hearing in London in a long-running, complex international arbitration matter.
- Mr. Levine has a previous personal commitment, a family vacation out of state, scheduled from Wednesday, March 18, through Monday, March 23.
- Mr. Levine has a two-day mediation scheduled for Thursday, March 26 and Friday, March 27.
- Mr. Ogden has a previous personal commitment, a family vacation out of state, scheduled from Sunday, March 22, through Wednesday, April 1.¹

¹ Mr. Ogden and Mr. Levine also have commitments earlier than the currently-scheduled March 11 date. Mr. Ogden has a mediation scheduled for March 4 through 6, and Mr. Levine has a court of appeals argument on March 4.

WILMERHALE

February 27, 2015

Page 2

Counsel for Defendants have conferred with counsel for Plaintiffs, and both sides could be available for a hearing on April 9, 10, 13, 14, and 15. Plaintiffs' counsel does not oppose this request.

Thank you for your consideration of this request.

Sincerely,

/s/ David W. Ogden

David W. Ogden

Based on defense counsel's unavailability as discussed in this letter and in a joint phone call with Chambers, the hearing previously scheduled for March 11, 2015, is adjourned until April 9, 2015, at 10:00 a.m., in Courtroom 443 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007.

SO ORDERED.



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

Date: February 27, 2015